IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 24TH APRIL 2007 / 4TH VAISAKHA 1929

Crl.MC.No. 1234 of 2007()

SC.22/2007 of ADDL.SESSIONS COURT (ADHOC)-II, KOTTAYAM

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PETITIONER:

PRADEEPAN , S/O.SREEDHARAN,
ERRUNKAL HOUSE, VETTUKALLUMKUZHY BHAGOM,
PARATHANAM KARA, MUNDAKAYAM VILLAGE.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

THE STATE OF KERALA REPRESENTED BY THE
ITS PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI S.U.NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 24/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.M.C..NO.1234 of 2007

Dated 24th April, 2007.

ORDER

Petitioner is the accused in in S.C.No.22/2007 of the Addl. Sessions Court (Adhoc-II) Kottayam. He has been ordered to be remanded during trial as one of the witnesses have stated that the petitioner has threatened to kill him.

2. It is submitted by the counsel that the Supreme Court in **P.K.Shaji v. State of Kerala (AIR 2006 S.C.100) has specifically held that the cancellation of bail should be preceded by A hearing of the accused. As per annexure I order, the court just ordered the petitioner to be remanded on the submission of CW-6 that the petitioner threatened to kill him. Evidently, the order cannot be upheld. The same is set aside. The accused is ordered to be released on the existing bail bond. The court below may consider the matter afresh after affording opportunity to the petitioner to be heard.**

The Crl.M.C. is disposed as above.

K.R.UDAYABHANU)

JUDGE.

Kvm/-

K.R.UDAYABHANU, J.

CRL.R.P.NO. 1149 of 2007

Dated this the 20th day of March, 2007

ORDER

K.R.UDAYABHANU,
JUDGE